

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

CATHERINE ELAINE TURNER,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:16-CV-17
(GROH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) [ECF No. 4] of United States Magistrate Judge James E. Seibert, which was issued on February 16, 2016. In the R&R, Magistrate Judge Seibert recommends that this Court deny the *pro se* Plaintiff’s application for leave to proceed in forma pauperis [ECF No. 2], and that the Plaintiff be required to pay the \$400.00 filing fee in this action.


Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to conduct a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a party’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir.

1984); Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979). Objections to Magistrate Judge Seibert's R&R were due within fourteen plus three days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(d), 72(b). It appears that the Plaintiff accepted service of the R&R on February 19, 2016. Therefore, the Court finds that the deadline to file objections to the R&R has passed. As of the date of this Order, no objections have been filed. Accordingly, the Court will review the R&R for clear error.

Upon review of the R&R and the record in this case to date, finding no clear error, it is the opinion of this Court that the Report and Recommendation [ECF No. 4] should be, and is hereby, **ORDERED ADOPTED**. The Court **ORDERS** that the Plaintiff's application for leave to proceed in forma pauperis [ECF No. 2] is **DENIED**. The Court further **ORDERS** that the Plaintiff must pay the \$400.00 filing fee in this action.

The Clerk is **DIRECTED** to transmit copies of this Order to any counsel of record and to the *pro se* Plaintiff at her last known address.

DATED: March 23, 2016


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE